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GUEST: **IBRAHIMA FALL**
**United Nations Assistant Secretary-General
for Human Rights**

JOURNALISTS: Obi Emekekwe, News Agency of Nigeria
Farida Burtis, World News Link Service

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HUMAN RIGHTS

Ibrahima Fall, United Nations Assistant Secretary-General for Human Rights, elaborates on the efforts of his office, the Centre for Human Rights, in implementing the Vienna Declaration and the Programme of Action adopted at the World Conference on Human Rights in 1993. Among the most important issues given priority by the Centre are those of women, children, indigenous people and minorities. During the first half of 1993, Mr. Fall's office received more than 500,000 complaints of violations of human rights in different parts of the world.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is **World Chronicle**.

With the exception of the pursuit of peace, there's no cause with which the United Nations is more closely identified than that of human rights. UN actions in this field have saved and protected millions of people throughout the world. To strengthen this deep commitment to the cause of human dignity, and to review and assess progress made in this effort, the United Nations recently held the World Conference on Human Rights, the second such conference since the 1948 Universal Declaration of Human Rights.

Our guest today has a special interest in respect for human rights and basic freedoms. He is Ibrahima Fall, United Nations Assistant Secretary-General for Human rights. Joining me today to interview Mr. Fall are Obi Emekekwe of the News Agency of Nigeria and Farida Burtis of World News Link Service.

Mr. Fall, the question of human rights, of course, is one to which the United Nations as an institution has been devoted for a very, very long time. But it's also true that a number of Member States are not quite as concerned about human rights, and in fact are rather egregious violators of human rights and basic freedoms. What can the United Nations do to bring these countries into line and to have them observe the Universal Declaration of Human Rights of 1948?

FALL: Well, the United Nations has a very large spectrum of actions which can be taken, either for the promotion or for the protection of human rights. One is, of course, to obtain that states ratify about 70 international instruments dealing with human rights and a report on the implementation of these instruments. The second is that the Commission on Human Rights meets yearly, ordinarily, but can meet also on an exceptional basis to discuss violations of human rights in a country or in countries or regions. Third, we can give technical assistance to the states which fail to report on the implementation of the international instruments or want to train their officials dealing with human rights so that they can discharge their duties correctly.

LITTLEJOHNS: It's all very well to say that these countries must report. But how can you guarantee that the reports are accurate? And when you talk about technical assistance in the preparation of such reports, does that mean that you would send inspectors to an individual country to ensure that the material which is provided is authentic?

FALL: Sure. We have what we call the system of rapporteurs, which are very high-level experts on human rights which are chosen by the Commission on Human Rights, or which represent the Secretary-General himself, on either a country-by-country basis or an automatic basis. So these people go and report on the situation of human rights in a country. Second, we also benefit from NGOs --

LITTLEJOHNS: Non-governmental organizations.

FALL: Non-governmental organizations -- in the field, which report to us about the situation of human rights. Three, we benefit from what we call communications, which are the individual complaints coming from persons as individuals or groups, related to violations of human rights.

LITTLEJOHNS: How many of these do you receive? You're based in Geneva, I believe.

FALL: Yes.

LITTLEJOHNS: Do people send their complaints or protests to you in Geneva?

FALL: We have a tremendous increase in these complaints. Let us tell you this, that for the first six months of 1993, we have received about 520,000 complaints.

LITTLEJOHNS: From all over the world?

FALL: Yes.

BURTIS: The Secretary-General, in a recent speech in Canberra, said that states are the ultimate guarantors of human rights, and he outlined what I consider some very

innovative approaches towards human rights enforcement. Could you provide certain specific examples in which states have acted as guarantors?

FALL: Well, the Secretary-General has effectively given very innovative procedures and action taken. For example, in the framework of preventive diplomacy, he used to send the Assistant Secretary-General, myself, or other people, into countries where we fear that the conflict can move into violations of human rights. Let us say, for example, in Latvia, in Estonia, in Georgia, he sent fact-finding missions. Second, the states are the ultimate guarantors, because they must respect human rights. So the Vienna Conference on Human Rights stressed especially the responsibility of governments. This is why they are reporting on ways and means they implement international instruments where they are state parties.

BURTIS: If I might follow up on that, there's a rather interesting example of invoking rights in a country. Now, in United States Federal Court, Catharine Mackinnon, a Michigan law professor, has filed suit against Radovan Karadzic on behalf of Bosnian women. But here -- considering that international law is based on comity. But here we're talking about tangible enforcements in a US court. Can you provide other examples which sort of seek to have specific remedies for violations of human rights?

FALL: Well, let us take the question of the former Yugoslavia. First of all, the Commission on Human Rights decided to appoint Mr. Mazowiecki, former Foreign Minister of Poland, as its Special Rapporteur on Human Rights. And he has produced about six reports. Second, the Secretary-General himself took the initiative to propose to the Security Council to decide on the creation of an international special court to deal with violations of human rights in the former Yugoslavia. And as you know, the judges of this court have been just nominated. And this institution is going to deal with violations of human rights. Third, also, all the treaty bodies -- Committee for Human Rights, for the Covenant on Political and Civil Rights, and other bodies, ask the Yugoslavia to report on the implementation. And last, but not least, we have officials on the ground to deal with violations of human rights on a daily basis.

EMEKEKWUE: Mr. Fall, let me ask you a very basic question: How does the UN define human rights? You know, because I'm looking at a situation where in some

countries, in some cultures, certain actions are seen as normal that in others are seen as human rights violations. So how does the UN define human rights?

FALL: Well, human rights are universal human rights. And one country cannot sit behind its specificities, be they cultural, economic, social or other, to try not to respect human rights. The Vienna Conference was very clear. And when you read the Declaration and Programme of Action of Vienna, this clearly indicated, while taking into account specific situations, states have the responsibility to respect by promoting and protecting human rights. So we have really to reaffirm the universality of human rights.

EMEKEKWUE: Just to move on --

And I can add that in some cases, when a country tries, or a government tries, to say this is because of -- I'm not respecting because of cultural specificities or religious specificities, when you analyze the situation, you see that it is not right. It is because of the nature of the political regime that the human rights are not respected, not because of cultural or religious reasons.

LITTLEJOHNS: Obi, you were going on --

EMEKEKWUE: Yes, I was just going to move on to something else. Some people argue that economic development, you know, should attract more importance than human rights abuses. How do you respond to that?

FALL: The theme, the central theme of the World Conference was development, democracy and human rights. And the most important conclusion of the Vienna Conference was that these three terms are interlinked. You cannot promote democracy and human rights without development. But --

LITTLEJOHNS: Meaning economic development?

FALL: Political and economic development. But you cannot promote economic development and violate human rights. I can add two more precisions. One is the Vienna Conference declared the right to development as a genuine human right, which is very important. Because for a long time, countries from the south fought to have the

right to development recognized. The second is that the Covenant on Economic, Social and Cultural Rights, which was not ratified by many countries of the developed countries, is being ratified. And the United States has given the example by declaring, with the Clinton Government, that they are going to ratify this important Covenant on Economic, Social and Cultural Rights.

LITTLEJOHNS: There are 184 Member States in the United Nations, Mr. Fall; about how many have ratified the Universal Declaration?

FALL: Well, the Declaration has not to be ratified. It is a universal declaration, it is supposed to be part of the custom.

LITTLEJOHNS: So what it is that has to be ratified? You mentioned the --

FALL: The six main international instruments; the two covenants, one on Civil and Political Rights, and the other on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention to Abolish all Discrimination Against Women; the Convention on Migrant Workers; the Convention Against Torture.

LITTLEJOHNS: And how many countries roughly have --?

FALL: Well, it depends. Now, for example --

LITTLEJOHNS: You mean individual -- oh, I see.

FALL: For example, for the Convention on the Rights of the Child, we are about 147 state parties.

LITTLEJOHNS: Is that the highest number for all the separate conventions?

FALL: It is one of the highest. And one of the objectives in the Programme of Action of Vienna is to try to arrive at what we call universal ratification of all these six main international instruments. And the Convention on the Rights of the Child must be ratified universally by 1995; and the Convention against Discrimination against Women must be universally ratified by 2000.

LITTLEJOHNS: This is World Chronicle. Our guest is Ibrahima Fall, United Nations Assistant Secretary-General for Human Rights. I think, Farida, you have the follow-up there.

BURTIS: Yes. The Vienna Conference did not take a decision on an international court on human rights. In what way can the International Law Commission and the Commission on Human Rights expedite our work towards an international court on human rights?

FALL: Well, this is a very central question discussed during the Vienna Conference. And if a decision has not been taken, as you mention, it has been asked to the International Law Commission and to the Commission on Human Rights to expedite that deliberation. Because for many years these commissions have in their agendas this question of an international court on human rights. And I do believe that for the next session the Commission on Human Rights will expedite.

BURTIS: Another decision which was not taken at the Vienna Conference was the establishment of a High Commissioner for Human Rights. You're an Assistant Secretary-General; now suppose there's another high official with the rank of high commissioner; in what way would the functions be different? I mean, you're also a high official.

FALL: Well, as you know, the present session of the General Assembly has to deal with this very important issue. And in fact, the Third Committee is dealing with this matter. One does not know if it will be treated at the level of the Committee or at the level of the plenary of the General Assembly itself. But what is sure is that the Vienna Conference formally asked the General Assembly to discuss this matter as a priority.

BURTIS: Does this mean that that person will have far -- will be empowered more than you are? I am trying to get a definition of the mandate. I mean, will it mean more effectiveness if it's a high commissioner rather than an under-secretary-general?

FALL: Well, I do believe that this is one of the aspects of the discussions pending in the General Assembly. And one cannot say what would be his mandate, the

mandate of the high commissioner, until we wait after the deliberations of the General Assembly.

EMEKEKWUE: Mr. Fall, what is the status of the financial resources for human rights activities by the UN? Do you see a need for more funding, or do you think what you have is adequate?

FALL: Well, this is a central problem also. Because the Vienna Declaration clearly indicated the necessity to increase tremendously the resources the Centre for Human Rights, both in terms of finance, in terms of staff, in terms of technical assistance. By now, human rights has only 1 per cent of the budget of all the UN, which, of course, does not reflect the priority, as Mr. Littlejohns said in the introductory statement, that, along with peace, human rights is a priority for the United Nations. This is why the Vienna Conference asked the UN to increase the finance and the human resources of the Centre.

LITTLEJOHNS: Mr. Fall, you were the Secretary-General of this Conference in Vienna. During the Conference there was a bit of controversy which was widely reported arising out of the fact that the Dalai Lama was apparently not able to participate as he had hoped in one aspect of the Conference. Could you explain the circumstances of his denial of participation?

FALL: Well, first of all, the Dalai Lama did not himself ask to participate in the World Conference. He is a very respected human rights militant and leader; he is also a very respected religious leader. In fact, he was invited, together with some other personalities, by the host government --

LITTLEJOHNS: The Austrian Government.

FALL: -- without any indication to the UN, which organized this meeting. This really can be seen as a misunderstanding, and this is why he could not attend the opening session. But, as you know, he could address the NGO forum later.

LITTLEJOHNS: Was this an embarrassment for the UN, would you say? I mean, did it perhaps give the impression that the UN, the Conference, was not as much engaged in the question of human rights as you had tried to make out?

FALL: Well, this is -- what I can say is that it is a tree in the forest, and a tree, even very important, must not hide the forest. What the UN is doing for human rights is like the forest, and this incident is a tree.

LITTLEJOHNS: Farida, you want to talk about some trees?

BURTIS: Yes. Well, the Human Rights Watch had prepared a report, and you've undoubtedly read it, the last agenda in UN Field Operations. Now, I'm not saying this, this is Kenneth Roth, who's the director. He has said that the UN has really not done what it should in terms of human rights in Somalia, in the former Yugoslavia, in Cambodia, Iraq and so forth. What do you have to say?

FALL: Well, one has to be very careful. In Cambodia, it is a matter of fact that the success of the operation is mainly due to the fact that the UN sent a very important mission on human rights in the field for more than one year and a half, to try to train people, to try to protect human rights, to try to educate people on an electoral basis and electoral assistance. And the elections were very successful! And we are now in the process to put a field operation of the Human Rights Centre to succeed to UNTAC. In the former Yugoslavia, as I said before, the Commission on Human Rights appointed Mr. Mazowiecki, who made six reports. So, if the states themselves failed to take actions in the former Yugoslavia, it is not due to the fact that human rights were not monitored.

BURTIS: Well, let me say, you mentioned Cambodia -- again, it's not coming from me, it's Human Rights Watch -- they're saying that in spite of the power the UN has, UN officials waited months before seeking prosecution of government offenders or Khmer Rouge forces who were murdering ethnic Vietnamese. And they didn't establish courts or an independent justice system until it was very late. And in the former Yugoslavia, that UN officials simply sat and watched as ethnic cleansing continued under their noses. This is a direct quote. What do you have to say about that?

FALL: Well, as far as Cambodia is concerned, it is a matter of fact that despite the action of the UN, many violations of human rights took place and continue to take place. But this is now under the authority of the government which has been elected after the election. And now Cambodia has its king -- Prince Sihanouk, he is king now -- has a prime minister, has a government; and the UN is helping Cambodia via the Centre

for Human Rights in advisory service and technical assistance to tackle the problem of human rights.

EMEKEKWUE: The Universal Declaration of Human Rights was adopted in 1948. Between that time and now, what kind of progress do you see as having been made in the area of human rights worldwide?

FALL: Well, in three fields we have made tremendous progress. First of all, in the standard setting, as I said, with about 70 international instruments dealing with human rights, and which promote and protect human rights. Secondly, in terms of monitoring, we have the Commission on Human Rights, we have rapporteurs, representatives, working groups dealing daily with human rights violations, and we have complaints from individuals. And third, in terms of educating people for a culture of human rights. And it is not a matter of hazard [chance], if Vienna Declaration asks for the declaration of three main decades, one on education for human rights, one on indigenous people, and the other for the implementation of international instruments.

LITTLEJOHNS: Mr. Fall, you have several times spoken about reports on human rights in various countries. Reports are all very well, but what happens if a government says, okay, well, this is the report, but they carry on as before? Is there no way to enforce the removal of the violations that are identified in these reports?

FALL: Well, we hope that the international community will evolve in a direction we will all hope, which is the strengthening of the international organs. But until now, when a government does not accept to implement the conclusions and recommendations of a report, be it on human rights, or even a decision of the International Court of Justice, the international community has no way except to address this through the Security Council, which, on the basis of Chapter VI or Chapter VII mainly, can take forceful decisions.

LITTLEJOHNS: Has that ever been done?

FALL: Yes, but on an exceptional basis.

BURTIS: Human rights of woman: I think that's a very, very important subject. At the Vienna Conference, could you sort of sum up what were some of the highlights in terms of women, especially third world and Islamic women?

FALL: Well, the Vienna Declaration is very clear on that. First of all, it decided that women's human rights must put in the streamline of all activities of all bodies dealing with human rights. Second, it approved the decision of the Commission on Human Rights to appoint a special rapporteur on violence against women. Third, the Vienna Declaration decided to put emphasis on the necessity to improve the situation of women inside the UN on gender balances. Of course, the problem of the violations of human rights of women is a world-wide problem. It concerns some countries, not dealing especially with religion. I can tell you know, I am from a country where 90 per cent of the people are Muslims, and there are about 4 or 5 per cent are --

LITTLEJOHNS: Mr. Fall, I'm afraid I have to interrupt you. That's all the time we have. Thank you for joining us on this edition of **World Chronicle**.

Our guest has been Ibrahima Fall, United Nations Assistant Secretary-General for Human Rights. He was interviewed by Obi Emekekwe of the News Agency of Nigeria and Farida Burtis of World News Link Service. I'm Michael Littlejohns. Thank you know for joining us. We invite you to be with us for the next edition of **World Chronicle**.

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